

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

BROADCAST MUSIC, INC.,)	
)	
EMI BLACKWOOD MUSIC, INC.,)	
)	
STONE DIAMOND MUSIC CORP.,)	
)	
and)	
)	
WARNER-TAMERLANE PUBLISHING CORP.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. _____
)	
HRY ENTERPRISES, INC., d/b/a OCEANSIDE)	
GRILLE AT THE BRUNSWICK a/k/a THE)	
BRUNSWICK,)	
)	
KATHERINE LACASSE,)	
)	
and)	
)	
TOM LACASSE,)	
)	
Defendants.)	

COMPLAINT; INJUNCTIVE RELIEF SOUGHT

NOW COME the Plaintiffs, by and through their undersigned counsel, and complain against the Defendants as follows:

JURISDICTION AND VENUE

1. This is a suit for copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. § 101, *et seq.* (the “Copyright Act”). This Court has subject matter jurisdiction over this action by virtue of 28 U.S.C. § 1338(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(a) insofar as the Defendants reside and/or may be found in this judicial district.

THE PARTIES

3. Plaintiff Broadcast Music, Inc. (“BMI”), is a corporation organized and existing under the laws of the State of Delaware. BMI’s principal place of business is 7 World Trade Center, 250 Greenwich Street, New York, New York 10007. BMI has been granted the right to license the public performance rights in 22.4 million copyrighted musical compositions (the “BMI Repertoire”), including those which are alleged herein to have been infringed.

4. The Plaintiffs other than BMI are the owners of the copyrights in the musical compositions, which are the subject of this lawsuit. All Plaintiffs are joined pursuant to Fed. R. Civ. P. 17(a) and 19(a).

5. Plaintiff EMI Blackwood Music Inc. is a corporation. This Plaintiff is a copyright owner of at least one of the songs in this matter.

6. Plaintiff Stone Diamond Music Corp. is a corporation. This Plaintiff is a copyright owner of at least one of the songs in this matter.

7. Plaintiff Warner-Tamerlane Publishing Corp. is a corporation. This Plaintiff is a copyright owner of at least one of the songs in this matter.

8. Defendant HRY Enterprises, Inc. (“HRY”) is a corporation organized and existing under the laws of the state of Maine, which operates, maintains and controls an establishment known as Oceanside Grille at The Brunswick also known as The Brunswick, located at 39 West Grand Avenue, Old Orchard Beach, Maine 04064, in this district (the “Establishment”).

9. In connection with the operation of the Establishment, HRY publicly performs musical compositions and/or causes musical compositions to be publicly performed.

10. HRY has a direct financial interest in the Establishment.

11. Defendant Katherine Lacasse is an owner of HRY with responsibility for the operation and management of that corporation and the Establishment.

12. Ms. Lacasse has the right and ability to supervise the activities of HRY and a direct financial interest in that corporation and the Establishment.

13. Defendant Tom Lacasse is an owner of HRY with responsibility for the operation and management of that corporation and the Establishment.

14. Mr. Lacasse has the right and ability to supervise the activities of HRY and a direct financial interest in that corporation and the Establishment.

CLAIMS OF COPYRIGHT INFRINGEMENT

15. Plaintiffs repeat and reallege each of the allegations contained in Paragraphs 1 through 14 as though fully set forth herein.

16. BMI has reached out to Defendants over sixty (60) times, by phone, mail, and email, in an effort to educate Defendants as to their obligations under the Copyright Act with respect to the necessity of purchasing a license for the public performance of musical compositions in the BMI Repertoire. Included in the letters were Cease and Desist Notices, providing Defendants with formal notice that they must immediately cease all use of BMI-licensed music in the Establishment.

17. Plaintiffs allege four (4) claims of willful copyright infringement, based upon Defendants' unauthorized public performance of musical compositions from the BMI Repertoire. All of the claims for copyright infringement joined in this Complaint are governed by the same legal rules and involve similar facts. Joinder of these claims will promote the convenient

administration of justice and will avoid a multiplicity of separate, similar actions against Defendants.

18. Attached hereto as Exhibit A is a schedule (the “Schedule”) identifying some of the many musical compositions whose copyrights were infringed by Defendants. The Schedule contains information on the four (4) claims of copyright infringement at issue in this action. Each numbered claim has the following eight lines of information (all references to “Lines” are lines on the Schedule): Line 1 providing the claim number; Line 2 listing the title of the musical composition related to that claim; Line 3 identifying the writer(s) of the musical composition; Line 4 identifying the publisher(s) of the musical composition and the plaintiff(s) in this action pursuing the claim at issue; Line 5 providing the date on which the copyright registration was issued for the musical composition; Line 6 indicating the copyright registration number(s) for the musical composition; Line 7 showing the date(s) of infringement; and Line 8 identifying the establishment where the infringement occurred.

19. For each work identified on the Schedule, the person(s) named on Line 3 was the creator of that musical composition.

20. For each work identified on the Schedule, on or about the date(s) indicated on Line 5, the publisher(s) named on Line 4 (including any predecessors in interest), complied in all respects with the requirements of the Copyright Act and received from the Register of Copyrights Certificates of Registration bearing the number(s) listed on Line 6.

21. For each work identified on the Schedule, on the date(s) listed on Line 7, Plaintiff BMI was (and still is) the licensor of the public performance rights in the musical composition identified on Line 2. For each work identified on the Schedule, on the date(s) listed on Line 7,

the Plaintiff(s) listed on Line 4 was (and still is) the owner of the copyright in the respective musical composition listed on Line 2.

22. For each work identified on the Schedule, on the date(s) listed on Line 7, Defendants publicly performed and/or caused to be publicly performed at the Establishment the musical composition identified on Line 2 without a license or permission to do so. Thus, Defendants have committed copyright infringement.

23. The specific acts of copyright infringement alleged in the Complaint, as well as Defendants' entire course of conduct, have caused and are causing Plaintiffs great and incalculable damage. By continuing to provide unauthorized public performances of works in the BMI Repertoire at the Establishment, Defendants threaten to continue committing copyright infringement. Unless this Court restrains Defendants from committing further acts of copyright infringement, Plaintiffs will suffer irreparable injury for which they have no adequate remedy at law.

RELIEF REQUESTED

WHEREFORE, Plaintiffs respectfully request that the Court award them the following relief:

- a. That Defendants, their agents, servants, employees, and all persons acting under their permission and authority, be enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. § 502;
- b. That Defendants be ordered to pay statutory damages, pursuant to 17 U.S.C. § 504(c);
- c. That Defendants be ordered to pay Plaintiffs' costs and reasonable attorney's fees, pursuant to 17 U.S.C. § 505;
- d. That they be awarded their costs and interest; and

- e. That they be awarded such other and further relief as the Court deems just and equitable.

Dated: January 30, 2025

Respectfully submitted,

/s/ Roy T. Pierce

Roy T. Pierce, Bar No. 7541

JENSEN BAIRD

10 Free Street, P.O. Box 4510

Portland, ME 04112-451-

(207) 775-7271

rtpierce@jensenbaird.com

Attorney for Plaintiffs